

MASSACHUSETTS
40 main st, suite 301
florence, ma 01062
tel 413.585.1533
fax 413.585.8904

WASHINGTON
1025 connecticut ave nw, suite 1110
washington, dc 20036
tel 202.265.1490
fax 202.265.1489



Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

June 26, 2012

Re: Notice of *Ex Parte* Presentation
MB Docket No. 09-182 – 2010 Quadrennial Review of Broadcast Ownership Rules
ET Docket No. 04-186 – Unlicensed Operation in the TV Broadcast Bands
WC Docket No. 10-90 – Connect America Fund
GN Docket No. 09-51 – National Broadband Plan
WT Docket No. 05-265 – Reexamination of Roaming Obligations
MB Docket No. 12-68 – Revision of Program Access Rules
CG Docket No. 11-116 – Empowering Consumers to Prevent and Detect Cramming

Dear Ms. Dortch,

On Friday, June 22, 2012, Free Press President and CEO Craig Aaron and Policy Director Matt Wood met with Commissioner Jessica Rosenworcel, and with Holly Saurer, her Acting Legal Advisor for Media Issues, regarding matters in the above-captioned dockets.

We first outlined Free Press's priorities before the Commission, explaining our view that the agency's decision-making benefits greatly from direct engagement with the public. We encouraged the Commissioner to participate in workshops, meetings, and hearings both inside and outside of the beltway, expanding upon her already impressive record of serving the public interest through dialogue with all stakeholders. We suggested in particular that she and the other commissioners attend public hearings outside of Washington, DC, on rule changes proposed in the 2010 Media Ownership Quadrennial Review *Notice of Proposed Rulemaking* – following the good example for commissioner engagement set during the previous quadrennial review.

As to the substance of the 2010 review, we briefly discussed positions articulated in our comments in that proceeding.¹ In that filing, we demonstrated that changes to the current newspaper-broadcast cross ownership ban would not only reduce the number of independent journalistic voices in a market, but also decrease the amount of news produced market-wide. Moreover, we explained that the Commission has to this point failed to assess the impact of such rule changes on ownership opportunities for people of color and women, and failed as well to fulfill the Third Circuit's mandate to compile accurate data on licensee diversity and the statutory mandate to address low levels of ownership by members of these underrepresented groups.

¹ See Comments of Free Press, MB Docket Nos. 09-182, 07-294 (filed March 5, 2012), available at <http://apps.fcc.gov/ecfs/document/view?id=7021898388>.

Finally, we urged the Commission to prevent circumvention of its media ownership rules by licensees that combine their newsgathering operations and other functions through agreements that allow for “covert consolidation” of station operations without Commission approval.

Turning to spectrum policy, we reiterated our view that the Commission can and must act to preserve unlicensed use in the TV band even after any incentive auction or repacking of TV channels. More generally, we stressed the need to strike the right balance between exclusive use and open use across the spectrum, indicating that shared use by increasingly smart radios will bring this resource to market more quickly and efficiently than clearing and auctioning.

On the broad topic of Universal Service Fund reform, we briefly restated Free Press’s main concerns with the “Connect America Fund” order issued last year. While many implementation questions remain, we are alarmed about the prospect of increased burdens on telephone ratepayers in exchange for an altogether uncertain promise of lower wireless prices. We are also concerned about the potential for failure to recognize and more properly account for the actual costs incurred by companies – both rural and “non-rural” carriers – to serve high-cost territories. Free Press has long held that real USF reform is impossible without a more accurate comparison of costs incurred by providers to the revenues they receive from all the services they offer on supported networks.

Finally, we touched upon the need for the Commission to reassess its broadband, wireless, and video competition policies, and to re-dedicate itself to promoting competition across these sectors and platforms. We suggested that the Commission has ample authority and justification to promote such policies in order to serve the public interest and protect consumers, and said (in regard to some topics currently before the Commission or the courts) that it can do so with measures such as data roaming obligations, program access protections, and effective prevention of abusive practices like cramming.

We submit this notice pursuant to Section 1.1206(b) of the Commission’s rules. Please do not hesitate to contact the undersigned with any questions regarding this submission.

Sincerely,

/s/ Matthew F. Wood

Matt Wood
Policy Director
mwood@freepress.net

cc: Commissioner Jessica Rosenworcel
Holly Saurer